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REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 34-70 are pending in the subject application. Claims 37-39 are acknowledged as being allowable by the Examiner. Claims 1-33 were previously canceled.

Claims 34-36, 40, 42, 43, 45, 47, 48, 50-55, 57-60 and 62-70 stand rejected under 35 U.S.C. §102 and/or 35 U.S.C. §103. Claims 41, 44, 46, 49, 56 and 61 were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form. Claim 51 was objected to because of identified informality.

As to claim 44, this claim depends from claim 37, which claim is indicated in the above-referenced Office Action as being allowable. Thus, Applicant believes that the indication of claim 44 as being an objected to claim is incorrect as it depends from an allowed base claim.

Claims 62, 65 and 68 were canceled in the foregoing amendment without prejudice or disclaimer.

Claims 34, 36, 51 and 54 were amended as suggested by the Examiner to define the motion picture data being used to calculate the statistics. In this regard, reference is made to the discussion in the subject application from page 16, line 25 to page 17, line 11 and from page 18, line 26 to page 19, line 11. Claim 47 was similarly amended.

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Claims 41, 46, 49 and 56 were not rewritten in independent form as suggested by the Examiner; rather new claims 71-74 which correspond to claims 41, 46, 49 and 56, respectively, were added in the foregoing amendment. As the scope of new claims 71-74 correspond to the scope of the identified objected to claims, entry of new claims 71-74 into the subject application is respectively requested.

Claim 51 was amended as suggested by the Examiner to address the identified informality.

Claim 58 was amended so as to include the limitations of claim 61 instead of re-writing claim 61 in independent form as suggested by the Examiner. Claim 61 also was canceled in the foregoing amendment.

Claims 63, 64, 66, 67, 69 and 70 were amended so the phrase "plurality or more" now reads as --plurality--. Claims 63 and 64 also were amended in the foregoing amendment so the preamble thereof were consistent with the base claim.

The amendments to the claims are supported by the originally filed disclosure.

35 U.S.C. §102 REJECTIONS

The Examiner rejected claims 34, 36, 51 and 54 under 35 U.S.C. §102(b) as being anticipated by Yang et al. [USP 5,819,286; "Yang"]. Applicant respectfully traverses as discussed below. Because claims were amended in the instant amendment, the following discussion refers to the language of the amended claims. However, only those amended features

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specifically relied upon to distinguish the claimed invention from the cited prior art shall be considered as being made to overcome the cited reference.

As indicated above, each of claims 34, 36, 51 and 54 were amended so as to further define the motion picture data being used to generate the statistics. In particular, the phrase "motion picture data" in each of these claims was revised to read as --motion vectors or predictive modes--. Reference should be made to the discussions from page 16, line 25 to page 17, line 11 and from page 18, line 26 to page 19, line 11 for further details regarding, and the support for, the added language.

As previously indicated by Applicant, Yang is apparently being construed in the Office Action such that a frame (or time) at which a particular icon appears in a scene and a block position are obtained as search information, and this apparently is being interrupted to be the same as the summary information of the rejected claim. The claims were previously amended to advance prosecution and to more particularly clarify that the summary information is formed of statistics of motion picture data included in the spatially split blocks of a scene respectively. As also indicated above, claim 34 was amended herein so as to indicate what comprised the motion picture data upon which the statistics were generated (motion vectors and predictive mode).

In this regard, and as previously indicated by Applicant, in Yang the video data is converted to symbolic data and a pattern recognition is performed to identify specific icons in the video. See col. 6, lines 10-15 thereof. It also is described therein that the processor records the symbols including the coordinates of the symbols and illustratively constructs a video index base such as shown in Table 1 in Yang. See col. 6, lines 36-60 thereof.

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Thus, the data generated by Yang does not correspond to characteristic information of the motion picture data but rather is merely positional information as to where the icon was recognized.

In addition, Yang is completely silent as to the use of statistics of motion vectors or predictive modes. Thus, whatever information is being generated in Yang, it clearly cannot correspond to "statistics of motion vectors or predictive modes" as that phrase is described in the subject application and the claimed invention.

Claim 36 depends from claim 34. Thus, it is respectfully submitted therefore, that at least because of the dependency from a base claim that is considered to be allowable, claim 36 is thus considered to be distinguishable from Yang. This shall not be construed as an admission that claim 36 is not separately patentable from Yang.

It is respectfully submitted that the foregoing remarks distinguishing claim 34 from Yang also at least applies to distinguish the storage medium of claim 51 and the motion picture retrieval information managing apparatus of claim 54. This shall not be construed as an admission that this comprises the sole basis upon which claims 51 and 54 are considered to be distinguishable from Yang. .

As provided in MPEP-2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, "The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as

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required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that the above identified claims are not anticipated by the cited reference.

It is respectfully submitted that for the foregoing reasons, claims 34, 36, 51 and 54 are patentable over the cited reference and thus, satisfy the requirements of 35 U.S.C. 102(b). As such, these claims, including the claims dependent therefrom are allowable.

35 U.S.C. §103 REJECTIONS

Claims 34, 35, 36, 40, 42, 43, 45, 47, 48, 50-55, 57-60 and 62-70 stand rejected under 35 U.S.C. §103 as being unpatentable over the cited prior art for the reasons provided on pages 7-10 of the above-referenced Office Action. Because claims 62, 65 and 68 were canceled in the foregoing amendment, the within rejection has not been discussed further herein as to these claims. Also because claims were amended in the foregoing amendment, the following discussion refers to the language of the amended claim(s). However, only those amended features specifically relied on in the following discussion shall be considered as being made to overcome the prior art reference. The following addresses the specific rejections provided in the above-referenced Office Action.

As indicated above, claims 34, 36, 47, 51 and 54 were amended to define the motion picture data being used to calculate the statistics. As such, with such amendment Applicant believes that each of these independent claims is thus distinguishable from the with rejections under §103. As each of the other claims being rejected under §103 depends from one of these base, claims it is respectfully submitted that each dependent claim also is considered to be

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allowable at least because of the dependency from an allowed base claim. This shall not be construed as an admission that the dependent claims are not separately patentable.

It is respectfully submitted that for the foregoing reasons, claims 34, 35, 36, 40, 42, 43, 45, 47, 48, 50-55, 57-60, 63-64, 66-67, 69 and 70 are patentable over the cited reference(s) and thus, satisfy the requirements of 35 U.S.C. §103. As such, these claims are allowable.

CLAIMS 41, 44, 46, 49, 56 & 61

In the above-referenced Office Action, claims 41, 44, 46, 49, 56 and 61 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

As indicated above, Applicant believes that claim 44 is allowable because it depends from an allowable base claim, claim 37. Thus, claim 44 was not re-written in independent form.

As to claims 41, 46, 49, and 56, these claims were not re-written in independent form as suggested by the Examiner. Instead, Applicant added new claims 71-74. The new claims were written so as to include all the limitations of the respective base claim and any intervening claim(s) and the limitations of, respectively, claims 41, 46, 49 and 56. Accordingly, added claims 71-74 are considered to be in allowable form.

Claim 61 was not expressly re-written in independent form as suggested by the Examiner; rather claim 61 was canceled and the limitations thereof were added to the related base claim, claim 58. Accordingly, claim 58 amended is considered to be in allowable form.

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CLAIM 51

As indicated above, claim 51 was objected to because of an identified informality.

Claim 51 was amended as suggested by the Examiner and thus, it is respectfully submitted that claim 51 is in acceptable form.

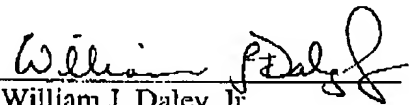
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Because the total number of claims and/or the total number of independent claims post amendment now exceed the highest number previously paid for, a check is enclosed herewith for the required additional fees. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards Angell Palmer & Dodge, LLP

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